

Adam P. Segal, Esq., Nevada Bar No. 6120
Christopher M. Humes, Esq., Nevada Bar No. 12782
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135
Email: asegal@bhfs.com
Email: chumes@bhfs.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BOARD OF TRUSTEES OF THE
ELECTRICAL WORKERS HEALTH AND
WELFARE TRUST,

Plaintiff,

v.

VIRGINIA BUSTELOS,

Defendant.

CASE NO.: 2:17-cv-03058-GMN-PAL

**PROPOSED ORDER GRANTING
MOTION FOR EXTENSION OF TIME
FOR SERVICE OF PROCESS AND
FOR SERVICE BY PUBLICATION**

This matter comes before the court on Plaintiff's, the Board of Trustees of the Electrical Workers Health and Welfare Trust ("Trust"), Motion for Extension of Time for Service of Process and for Service by Publication. The current deadline for service is March 13, 2018. The Trust seeks an extension of the deadline to June 11, 2018, and leave for service by publication.

Federal Rule of Civil Procedure (4)(e)(1) permits service pursuant to the law of the state where the district court is located and Fed. R. Civ. P. Rule 4(m) permits an extension of time for service upon a showing of good cause. Nevada Rule of Civil Procedure 4(e)(1)(i) permits service by publication by court order if (1) the person on whom service is to be made cannot be found within the state; (2) a cause of action exists against that person; and (3) the person is a necessary or proper party to the action.

The Court finds that the Trust has diligently attempted to serve Defendant Virginia Bustelos ("Ms. Bustelos"), a cause of action exists against Ms. Bustelos, and Ms. Bustelos is a proper party to the action. The Court also finds that the Trust established good cause for an

1 extension of time to permit service by publication.

2
3 **IT IS HEREBY ORDERED** that the Trust's Motion for Extension of Time for Service
4 of Process (ECF No. 6) and for Service by Publication (ECF No. 7) is granted.

5 **IT IS FURTHER ORDERED** that the summons shall be published at least once a week
6 in the Nevada Legal News, for a total of four weeks, and a copy of the summons and complaint
7 be a mailed to 6100 Vicki Ann Road, Pahrump, Nevada 89408, in accordance with Nevada Rule
8 of Civil Procedure (4)(e)(1)(iii).

9
10 **IT IS FURTHERED ORDERED** that service shall deemed complete at the expiration of
11 four weeks of publication in the Nevada Legal News or four weeks after mailing a copy of the
12 complaint and summons to 6100 Vicki Ann Road, Pahrump, Nevada 89408, whichever event
13 occurs later.

14 **IT IS FURTHERED ORDERED** that the deadline to serve is extended ninety (90) days,
15 from March 13, 2018, to June 11, 2018.

16 DATED this 21st day of March, 2018.

17
18 
19 UNITED STATES DISTRICT COURT JUDGE/
20 UNITED STATES MAGISTRATE JUDGE

21 Submitted by:

22 BROWNSTEIN HYATT FARBER SCHRECK, LLP

23 /s/ Christopher M. Humes

24 Adam P. Segal, Esq., Nevada Bar No. 6120
25 Christopher M. Humes, Esq., Nevada Bar No. 12782
26 100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106-4614
Telephone: (702) 382-2101
Facsimile: (702) 382-8135

27 Attorneys for Plaintiff